

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Mathilde Benveniste  
Serial No.: 10/672,604  
For: Efficient Polled Frame Exchange on a Shared-Communications  
Channel  
Filing Date: September 26, 2003  
Examiner: Fred A. Casca  
Art Unit: 2617  
Conf. No.: 3701

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**MAIL STOP AF**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313

Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

This paper responds to Final Office Action mailed from the United States Patent and Trademark Office on December 8, 2009 ("Final Rejection"). A Notice of Appeal is being filed concurrently with this Pre-Appeal Brief Request for Review.

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## REMARKS

Applicants have carefully reviewed and considered the Final Rejection and the reference(s) cited therein. Claims 1-3, 5-10, 12-14, and 16-26 are pending in this application.

### Rejection of Claims

Claims 1, 3, 5-7, 12, 14, and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0161340 to Sherman (hereinafter Sherman) in view of U.S. Patent No. 6,301,249 to Mansfield et al. (hereinafter Mansfield). Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2003/0161340 to Sherman (hereinafter Sherman) in view of Mansfield and further in view of well-known prior art. Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Mansfield and further in view of U.S. Patent Publication 2002/0118667 to Chintada et al. (hereinafter Chintada). Claims 8, 10, 18 and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Mansfield and further in view of U.S. Patent Publication 2004/037320 to Dickson (hereinafter Dickson). Claims 8 and 18 were discussed earlier, and are believed allowable for the reasons discussed above with respect to claim 1. Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickson in view of Mansfield and further in view of well-known prior art. Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Dickson and further in view of Mansfield and further in view of Chintada. Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Mansfield and further in view of well-known prior art. Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of Dickson, in view of Chintada, in view of Mansfield and further in view of well-known prior art.

Response

Claim 1 recites in part "...subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement." The Examiner stated that Sherman does not disclose subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement.

To make up for the deficiencies of Sherman, the Examiner cited Mansfield, stating that Mansfield discloses this by its use of a NACK. Applicants acknowledge that a NACK is a form of an acknowledgment (a negative acknowledgment is an acknowledgement). In Mansfield, a NACK is required for packets that failed to reach their destination, in order for the transmitter to retransmit the frame. Accordingly, since Mansfield discloses a form of an ACK (a NACK) that is required so that failed transmissions get resent. In Mansfield every frame requires either an ACK or a NACK, thus in Mansfield there are not any frames that do NOT require an acknowledgment. As every frame in Mansfield requires an ACK (or a NACK) Mansfield cannot possibly provide an ACK for frames not requiring an acknowledgment. Since, in contrast to claim 1, Mansfield requires either an ACK or a NACK for every frame, Mansfield fails to read on claim 1.

The claim 1 limitation "...following a first frame, subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement." provides an advantage over the prior art as generating a frame with the acknowledgement enables the device to prepare the frame in advance saving time, which can be used for other processing such as encrypting or the like. In the event the receiver receives an ACK even though it does not require an ACK, it can simply ignore the ACK. This is disclosed in the specification as filed at paragraph 10, which provides ample support for this claim limitation.

In view of the above claim 1 is believed allowable. Claims 8, 12 and 18

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include similar language regarding an acknowledgment for frames not requiring an acknowledgement and are believed allowable for at least the same reasons as claim 1. The dependent claims of the present application are believed allowable as they depend from an allowable base claim.

## CONCLUSION

Applicants respectfully submit the current rejections should be withdrawn and that the claims are in condition for allowance. If the Examiner or Panel believes that a telephone conversation with the Applicants' representative would facilitate prosecution of this application in any way, they are cordially invited to telephone the undersigned at (508) 616-9660. If necessary, please apply any additional fees, or credit overpayments, to Deposit Account 50-3735.

Respectfully submitted,

/DWR/

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